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Letter dated 22 November 2005 from the Deputy Permanent Representative of the Permanent Mission of Indonesia to the United Nations addressed to the Chairman of the Committee

I acknowledge receipt of your letter dated 19 August 2005, pertaining to the request for additional information on the steps taken by Indonesia in the areas covered by resolution 1540 (2004). In that regard, please find attached the additional information related to your request, which I have received from my capital for your perusal (see annex).

(*Signed*) Adivatwidi Adiwoso **Asmady**
Deputy Permanent Representative of the Permanent Mission
of the Republic of Indonesia to the United Nations

05-63007 (E) 081205

Annex to the letter dated 22 November 2005 from the Deputy Permanent Representative of the Permanent Mission of Indonesia to the United Nations addressed to the Chairman of the Committee

Additional information related to the national report submitted by the Government of the Republic of Indonesia

OP 1 and related matters from OP 5, OP 6, OP8 (a), (b), (c) and OP 10:

2. Indonesia reiterates its support to all multilateral efforts in curbing the proliferation of weapons of mass destruction (WMD) and believes that the total elimination of WMD is the only absolute guarantee against the use or threat of all kinds of WMD.

3. Indonesia calls for the total and complete prohibition of the transfer of all WMD-related equipment, information, material and facilities, resources or devices and of the extension of assistance in the nuclear, biological and chemical scientific or technological fields to non-state actors.

7. Indonesia has not ratified the CTBT. However, Indonesia is legally bound itself to the Southeast Asia Nuclear Free Zone that prohibits any kind of nuclear testing in the area as well as to the NPT.

9. Indonesia is not a subscriber of HCOC. Indonesia was actively participated in the preparatory meetings (held in Paris February 2002 and in Madrid June 2002) prior to the establishment of HCOC. While supporting the non-proliferation efforts, Indonesia suggested that the Codes should include paragraph on transfer of technology for peaceful purposes and security guarantee for the developing countries. Indonesia finally withdrew from the negotiation due to the fact that the Code failed to fulfill the needs of the developing countries and not multilaterally negotiated.

OP 2 – Biological Weapons (BW), OP 2-Chemical Weapons (CW), and OP 2-Nuclear Weapons (NW)

The Government of Indonesia has finalized a draft of the Law of the Republic of Indonesia on "the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons", which will be officially submitted to the House of Representatives by the President of the Republic of Indonesia in due course. The draft law covers a wide range of measures. Those measures are, *inter alia*, total prohibitions (manufacture/produce, acquire, possess, stockpile/store, develop, transport, transfer, use, participate as an accomplice in a.m. activities, assist in a.m activities, etc), penal provisions, definition of chemical weapons, definition of toxic chemical, definition of 'purposes not

prohibited under the Convention', arrangements enabling legal assistance to other States Parties, a mandate to establish a permanent National Authority, mandatory reporting by natural and legal persons of information to the National Authority needed for National Authority declarations and notifications, regulation of scheduled chemicals, licensing of industry, access to facilities, respect for privileges and immunities of inspectors, protect of confidential information, enforcing powers of National Authority, enabling inspections. With regard to the obligation to apply extraterritorial application to other nationals who allegedly violate provisions of this Law within Indonesian jurisdiction, the Indonesian penal code basically already inherently applies this principle.

Based on this experience, the Government of Indonesia has already identified the urgency to have similar laws in the field of nuclear and biological weapons. These laws not only will complete the administrative measures which have already in place but also will enable Indonesian Government to penalize any person who infringes the laws.

In terms of penal sanction, the draft law in the field of chemical weapons and other draft laws–will-be in the field of nuclear and biological weapons also will complete existing Indonesian Law No. 15 year 2003 on counter terrorism which carries a maximum death penalty for any person who contravenes provisions of this Law by intentionally using nuclear, chemical and or biological weapons to create massive fear or terror.

National legal framework: Law no. 15/2003 on "Eradication of Criminal Acts of Terrorism" in particular the article, 9, 10, 11, 12, and 13.

Some important articles that are of importance to be mentioned are:

Article 9

Any person who contravenes the law by importing to Indonesia, making, receiving, trying to get, providing or trying to provide, owning, bringing, having stockpile, piling up, acquiring, hiding, using, or exporting to or from Indonesia explosive weapons, ammunition, or explosive materials, or other dangerous materials and use it for terrorist acts, shall be punished with death sentence or life imprisonment or imprisonment for a term at a minimum 3 (three) years and at a maximum 20 (twenty years).

Article 10

Any person shall be punished with the same provision contains in article 6 if he/she intentionally uses chemical weapons, biological weapons, radiological weapons, microorganism, radio-active or their components that cause terror atmosphere, or widespread fear, massive casualties, put danger into health, life,

security, people rights, or cause damage, destruction to strategic important objects, environment, public facility, or international facility.

Article 11

Any person shall be punished with imprisonment for a term at a minimum 3 (three) years and at a maximum 15 (fifteen) years if he/she intentionally provide or collect fund with the purpose of using it, partly or entirely, to do terror acts as mentioned in article 6, article 7, article 8, article 9, and article 10.

Article 12

Any person shall be punished upon conducting any criminal acts by imprisonment for a term at a minimum 1 year and at a maximum 15 years, if he/she intentionally provides, collects wealth and use it partly or entirely, on his knowing, to do following activities:

a. any acts against the laws to receive, own, use, transfer, change, dump nuclear materials, chemical weapons, biological weapons, radiological weapons, microorganism, radioactive or their components that could cause deaths or bad injuries or cause destructions;
b. stealing or forcefully acquiring nuclear materials, chemical weapons, biological weapons, radiology, microorganism, radio-active, or their components;
c. Illicitly or illegally own nuclear materials, chemical weapons, biological weapons, radiological weapons, microorganism, radioactive or their components;
d. Acquiring, by coercion or by use of threat and intimidation, nuclear materials, chemical weapons, biological weapons, radiological weapons, microorganism, radioactive or their components;
e. Posing threat to:
    1. use nuclear materials, chemical weapons, biological weapons, radiological weapons, microorganism, radioactive or their components to cause deaths or bad injuries or destruction; or
    2. do any criminal acts as mentioned in letter b in order to force other people, international crganizations, or other countries to do or not to do something;
f. undertaking any criminal acts as mentioned in letter a, b, and c; and
g. taking part in any criminal acts as mentioned in letter a to letter f.

Article 13

Any person, who, intentionally provides assistance or facilitates to terrorist(s) such as:

a. providing or lending money or material or another form of wealth to terrorist(s);

b. Hiding terrorist (s)
c. Hiding information on terrorism, shall be punished by imprisonment with a term at a minimum 3 (three) years and at a maximum 15 (fifteen) years.